

ENTERED

January 10, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KENNETH W. BENJAMIN,

Plaintiff.

VS.

THE BANK OF NEW YORK
MELLON, ET AL.,

Defendants.

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CIVIL ACTION NO. 4:20-CV-00214

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**


On January 13, 2021, all dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). Dkt. 84. Judge Edison filed a Memorandum and Recommendation on December 7, 2021, recommending that Defendants' Motion for Summary Judgment (Dkt. 143) be **GRANTED**. *See* Dkt. 163.

On December 16, 2021, Plaintiff filed his Objections. *See* Dkt. 164. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." 28 U.S.C. § 636(b)(1)(C). After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and Recommendation; the pleadings; and the record. The Court **ACCEPTS** Judge Edison's Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 163) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendants' Motion for Summary Judgment (Dkt. 143) is **GRANTED**.

It is so **ORDERED, SIGNED, and ENTERED** this 8th day of January, 2022.

A handwritten signature in black ink, reading "George C. Hanks Jr", written over a horizontal line.

GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE